

1 COX, WOOTTON, GRIFFIN,  
2 HANSEN & POULOS, LLP  
3 Terence S. Cox (SBN 076142)  
4 Marc T. Cefalu (SBN 203324)  
5 190 The Embarcadero  
6 San Francisco, CA 94105  
7 Telephone No.: 415-438-4600  
8 Facsimile No.: 415-438-4601

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10 Attorneys for Defendant  
11 AMERICAN SHIP MANAGEMENT, LLC

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17 UNITED STATES DISTRICT COURT  
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28 LAWRENCE BROWN, ) Case No.: C 04-3788-JSW  
29 Plaintiff, )  
30 v. )  
31 AMERICAN SHIP MANAGEMENT, )  
32 LLC., )  
33 Defendants. )  
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1 potential witnesses in this action are also merchant seaman  
 2 who are oftentimes unavailable and at sea for months on end.

3 (3) The depositions of the plaintiff's treating physicians were  
 4 completed on March 31, 2005. The plaintiff's deposition was  
 5 completed on July 18, 2005.

6 (4) Counsel for the defendant has recently learned that Mr.  
 7 Charles Greenfield, the *key* liability witness in this case and  
 8 Mr. Brown's supervisor at the time of the incident, has  
 9 recently shipped out of his union hall for a job assignment.  
 10 He apparently will not return from sea for approximately 90  
 11 days. Therefor the earliest that Charles Greenfield will be  
 12 able to be deposed will be around the end of January 2006.

13 (5) The defendant has not had the opportunity to interview or  
 14 depose Mr. Greenfield because he currently has his own  
 15 lawsuit pending against the defendant, American Ship  
 16 Management, in which he is represented by counsel. Counsel  
 17 for Mr. Greenfield has agreed to produce Mr. Greenfield for  
 18 his deposition in this case immediately following the  
 19 conclusion of the deposition in his own case. Defense counsel  
 20 [who is also counsel of record for the defendant in the Charles  
 21 Greenfield case] expects that the depositions will take place  
 22 sometime in late January 2006 once Mr. Greenfield has  
 23 returned from sea. Just very recently Judge Alsup continued  
 24 the trial and discovery cut-off dates in Mr. Greenfield's case  
 25 as a result of his unavailability while at sea.

26 (6) *Most importantly*, the defendant will not learn until Mr.  
 27 Greenfield's deposition his version of both as to how this  
 28 accident allegedly occurred, who witnessed what before,

COX, WOOTTON,  
 GRIFFIN, HANSEN  
 & POULOS, LLP  
 1415 THE BROADWAY  
 SAN FRANCISCO,  
 CA 94105  
 TEL: 415-438-4600  
 FAX: 415-438-4601

ASM.Brown

during and after the alleged incident. Learning this information is essential for both parties to properly evaluate liability in this case.

(7) The parties therefore agree that the non-expert discovery cutoff should be continued to approximately three months to the end of February 2006, with the newly set expert report, expert discovery dates, pretrial date and the trial dates to follow:

(8) There have been no previous trial continuances

*Counsel for the parties request that the non-expert discovery cutoff date of November 1, 2005 and all related dates, including the Pre-trial Conference date and the February 6, 2006, trial date be continued for two to three months to allow the parties to depose the key liability witness Charles Greenfield so that they may schedule a meaningful mediation to take place shortly after that deposition.*

Dated: November 17, 2005

WELTIN LAW OFFICE, P.C.  
Attorneys for Plaintiff LAWRENCE BROWN

By: M. J. / for Philip Weltin per written authority  
Philip R. Weltin

Dated: November 17, 2005

COX, WOOTTON, GRIFFIN,  
HANSEN & POULOS, LLP  
Attorneys for Defendant,  
AMERICAN SHIP MANAGEMENT, LLC

AMERICAN SHIP MANAGEMENT, LLC  
By   
Terence S. Cox

COX, WOOTTON,  
GRIPPIN, HANSEN  
& POULOS, LLP

159 THIRTEEN MILE AVE.  
SAN FRANCISCO,  
CA 94105  
TEL: 415-438-4100  
FAX: 415-428-4601

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1 PURSUANT TO STIPULATION IT IS ORDERED that:

2 The trial date is continued to April 17, 2006 at 8:30 a.m.

3 The Pre Trial Conference is continued to March 27, 2006 at 2:00 p.m.

4 The close of non-expert discovery is January 10, 2006.

5 The close of expert discovery is March 10, 2006.

6 The simultaneous exchange of experts and reports is February 23, 2006.

7

8 Dated: November 21, 2005

9 By: Jeffrey S. White

10 The Honorable Jeffrey S. White

11 COX, WOOTTON,  
12 GRIFFIN, HANSEN  
13 & POULOS, LLP

14 190 THE EMBARCADERO  
15 SAN FRANCISCO,  
16 CA 94105  
17 TEL: 415-438-4600  
18 FAX: 415-438-4601

19 ASM.Brown